

1984—Subsec. (e). Pub. L. 98-525 added subsec. (e).

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-456 applicable with respect to persons who, after Sept. 29, 1988, incur or aggravate an injury, illness, or disease, or who die as the result of incurring or aggravating an injury, illness, or disease, see section 631(d) of Pub. L. 100-456, set out as a note under section 204 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-525 effective Oct. 1, 1985, see section 1404 of Pub. L. 98-525, set out as a note under section 520b of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 101, 204, 301, 301a, 301c, 304, 307, 308d, 316, 320, 402, 433, 707, 1012 of this title; title 5 section 8440e; title 10 sections 101, 1076a, 1465, 1466, 12319, 12503; title 26 section 3121; title 31 section 698a; title 32 sections 115, 715; title 38 section 101; title 42 section 409.

§ 207. Band leaders

(a) The leader of the Army Band is entitled to the basic pay of a captain in the Army.

(b) The leader of the United States Navy Band is entitled to the basic pay of a lieutenant in the Navy.

(c) A member of the Marine Corps who is appointed as director or assistant director of the United States Marine Band under section 6222 of title 10 is entitled, while serving thereunder, only to the basic pay of an officer in the grade in which he is serving. However, his basic pay may not be less than that to which he was entitled at the time of his appointment under that section.

(d) The leader of the Naval Academy Band is entitled to the basic pay of the grade the Secretary of the Navy prescribes. The second leader is entitled to the basic pay of a warrant officer, W-1.

(e) The director of the Coast Guard Band is entitled to the basic pay of an officer in the grade in which he is serving. However, his basic pay may not be less than that to which he was entitled at the time of his appointment as director.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 460; Pub. L. 89-189, § 2, Sept. 17, 1965, 79 Stat. 820; Pub. L. 95-551, § 3(b)(1), Oct. 30, 1978, 92 Stat. 2069.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
207(a)	10:3536(b) (as applicable to basic pay).	[None.]
207(b)	10:4338(a) (as applicable to basic pay).	[None.]
207(c)	10:6221(b) (as applicable to basic pay).	[None.]
207(d)	10:6222(e) (as applicable to basic pay).	[None.]
207(e)	10:6969(b) (less last sentence, as applicable to basic pay).	[None.]

In subsection (a), the last 22 words of section 3536(b) of title 10 are omitted as covered by section 205 of this revised title.

In subsection (b), the last sentence of section 4338(a) of title 10 is omitted as covered by section 205 of this revised title.

In subsection (c), the last 22 words of section 6221(b) of title 10 are omitted as covered by section 205 of this revised title.

In subsection (e), the 2d sentence of section 6969(b) of title 10 is omitted as covered by section 205 of this revised title.

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-551 redesignated former subsec. (c) as (b). Former subsec. (b), which provided that the director of music at the United States Military Academy be entitled to the basic pay of a commissioned officer of the rank prescribed for the director by the Secretary of the Army, was struck out.

Subsecs. (c) to (e). Pub. L. 95-551 redesignated former subsecs. (d) to (f) as (c) to (e), respectively.

Subsec. (f). Pub. L. 95-551 redesignated former subsec. (f) as (e).

1965—Subsec. (f). Pub. L. 89-189 added subsec. (f).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 424 of this title.

§ 208. Repealed. Pub. L. 91-482, § 1(b), Oct. 21, 1970, 84 Stat. 1082]

Section, Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 461, provided that an officer furloughed under section 6406 of Title 10, Armed Forces, was entitled to pay at the rate of one-half of the basic pay to which he was entitled at the time of being furloughed.

§ 209. Members of precommissioning programs

(a) SENIOR ROTC MEMBERS IN ADVANCED TRAINING.—(1) Except when on active duty, a member of the Senior Reserve Officers' Training Corps who is selected for advance training under section 2104 of title 10 is entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) beginning on the day he starts advanced training and ending upon the completion of his instruction under that section, but in no event shall any member receive such pay for more than 30 months.

(2) The Secretary of Defense shall prescribe by regulation the monthly rates for subsistence allowances provided under this section. The rate may not be less than \$250 per month, but may not exceed \$674 per month.

(3) A subsistence allowance under this section may not be considered financial assistance requiring additional service within the meaning of the third sentence of section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1)).

(b) SENIOR ROTC MEMBERS APPOINTED IN RESERVES.— Except when on active duty, a cadet or midshipman appointed under section 2107 of title 10 is entitled to a monthly subsistence allowance at a rate prescribed under subsection (a). A member enrolled in the first two years of a four-year program is entitled to receive subsistence for a maximum of twenty months. A member enrolled in the advanced course is entitled to subsistence as prescribed for a member enrolled under section 2104 of title 10 as prescribed in subsection (a).

(c) PAY WHILE ATTENDING TRAINING OR PRACTICE CRUISE.— Each cadet or midshipman in the Senior Reserve Officers' Training Corps, while he is attending training or practice cruises under chapter 103 of title 10 if the training or cruise is of at least four weeks duration and must be completed before the cadet or midshipman is commissioned, and each applicant

for membership in the Senior Reserve Officers' Training Corps, while he is attending field training or practice cruises to satisfy the requirements of section 2104(b)(6)(B) of title 10 for admission to advanced training, is entitled, while so attending, to pay at the rate prescribed for cadets and midshipmen at the United States Military, Naval, and Air Force Academies under section 203(c) of this title.

(d) MEMBERS OF MARINE CORPS OFFICER CANDIDATE PROGRAM.—Except when serving on active duty, a member who is enrolled in a Marine Corps officer candidate program which requires a baccalaureate degree as a prerequisite to being commissioned as an officer and who is not enrolled in a program established under chapter 103 of title 10 or an academy established under chapter 403, 603, or 903 of title 10 may be paid a subsistence allowance at a monthly rate prescribed under subsection (a) for a member of the Senior Reserve Officers' Training Corps who is selected for advanced training under section 2104 of title 10.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 461; Pub. L. 88-647, title II, § 202(2), Oct. 13, 1964, 78 Stat. 1070; Pub. L. 89-51, § 3, June 28, 1965, 79 Stat. 173; Pub. L. 89-718, § 51, Nov. 2, 1966, 80 Stat. 1121; Pub. L. 92-171, § 1, Nov. 24, 1971, 85 Stat. 490; Pub. L. 95-79, title III, § 302(a)(3), July 30, 1977, 91 Stat. 326; Pub. L. 96-342, title VIII, § 811(a), Sept. 8, 1980, 94 Stat. 1098; Pub. L. 96-513, title V, § 516(4), Dec. 12, 1980, 94 Stat. 2938; Pub. L. 96-579, § 8, Dec. 23, 1980, 94 Stat. 3368; Pub. L. 98-94, title X, § 1003(a)(4), Sept. 24, 1983, 97 Stat. 656; Pub. L. 100-456, div. A, title VI, § 633(d), Sept. 29, 1988, 102 Stat. 1987; Pub. L. 101-189, div. A, title VI, § 653(d), Nov. 29, 1989, 103 Stat. 1462; Pub. L. 102-25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 103-337, div. A, title VI, § 603(a), Oct. 5, 1994, 108 Stat. 2782; Pub. L. 106-65, div. A, title V, § 546(a), Oct. 5, 1999, 113 Stat. 608; Pub. L. 106-398, § 1 [[div. A], title VI, § 612(b), (c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-150.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
209(a)	10:6904(b).	[None.]
209(b)	10:6905(b).	[None.]
209(c)	10:6906(c) (1st sentence, as applicable to pay).	[None.]

AMENDMENTS

2000—Subsec. (a). Pub. L. 106-398, § 1 [[div. A], title VI, § 612(b), (c)(1)], inserted heading, designated first sentence as par. (1), substituted “monthly subsistence allowance at a rate prescribed under paragraph (2)” for “subsistence allowance of \$200 a month”, added par. (2), designated last sentence as par. (3), and substituted “A subsistence” for “Subsistence”.

Subsec. (b). Pub. L. 106-398, § 1 [[div. A], title VI, § 612(c)(2)], inserted heading and substituted “at a rate prescribed under subsection (a)” for “in the amount provided in subsection (a)” in text.

Subsec. (c). Pub. L. 106-398, § 1 [[div. A], title VI, § 612(c)(3)], inserted heading.

Subsec. (d). Pub. L. 106-398, § 1 [[div. A], title VI, § 612(c)(4)(B)], which directed substitution of “a monthly rate prescribed under subsection (a)” for “the same rate as that prescribed by subsection (a).”, was executed by making the substitution for “the same rate as that prescribed by subsection (a)” to reflect the probable intent of Congress.

Pub. L. 106-398, § 1 [[div. A], title VI, § 612(c)(4)(A)], inserted heading.

1999—Subsec. (a). Pub. L. 106-65 substituted “\$200 a month” for “\$150 a month”.

1994—Subsec. (a). Pub. L. 103-337 substituted “\$150 a month” for “\$100 a month”.

1991—Subsecs. (b) and (d). Pub. L. 102-25 struck out “of this section” after “subsection (a)” wherever appearing.

1989—Subsec. (c). Pub. L. 101-189 which directed striking out the period after “title 10” the first place it appears, was executed by striking the period after “the cadet or midshipman is commissioned” to reflect the probable intent of Congress.

1988—Subsec. (c). Pub. L. 100-456 substituted “training or practice cruises under chapter 103 of title 10 if the training or cruise is of at least four weeks duration and must be completed before the cadet or midshipman is commissioned.” for “field training or practice cruises under section 2109 of title 10”.

1983—Subsec. (a). Pub. L. 98-94 substituted “30 months” for “20 months”.

1980—Subsec. (a). Pub. L. 96-513 substituted “section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1))” for “section 456(d)(1) of title 50, appendix”.

Subsec. (d). Pub. L. 96-579 struck out par. (1) designation and par. (2) prohibiting payment of subsistence allowance for any period after Sept. 30, 1982.

Pub. L. 96-342 added subsec. (d).

1977—Pub. L. 95-79, § 302(a)(3)(B), substituted “Members of precommissioning programs” for “Members of Senior Reserve Officers' Training Corps” in section catchline.

Subsec. (c). Pub. L. 95-79, § 302(a)(3)(A), substituted provisions authorizing rates of pay for cadets and midshipmen in the Senior Reserve Officers' Training Corps and applicants for membership in the Corps to be computed under section 203(c) of this title, for provisions authorizing rates of pay for members of the Senior Reserve Officers' Training Corps to be computed under section 201(c) of this title and for applicants for membership in the Corps to be computed under section 203 of this title for enlisted members in pay grade E-1.

1971—Subsec. (a). Pub. L. 92-171, § 1(1), substituted “a subsistence allowance of \$100 a month” for “subsistence allowance at the rate of not less than \$40 per month or more than \$50 per month”.

Subsec. (b). Pub. L. 92-171, § 1(2), substituted “a monthly subsistence allowance in the amount provided in subsection (a) of this section. A member enrolled in the first two years of a four-year program is entitled to receive subsistence for a maximum of twenty months. A member enrolled in the advanced course is entitled to subsistence as prescribed for a member enrolled under section 2104 of title 10 as prescribed in subsection (a) of this section.” for “subsistence allowance at the rate of \$50 a month beginning on the day that he starts his first term of college work under that section and ending upon the completion of his instruction under that section, but not for more than four years.”

1966—Subsec. (a). Pub. L. 89-718, § 51(1), struck out “, United States Code,” after “section 2104 of title 10”, and substituted “20” for “twenty” and “section 456(d)(1) of title 50, appendix” for “section 6(d)(1) of the Universal Military Training and Service Act, as amended (50 U.S.C. App. 456(d)(1))”.

Subsec. (c). Pub. L. 89-718, § 51(2), struck out “, United States Code,” after “section 2104(b)(6)(B) of title 10”.

1965—Subsec. (a). Pub. L. 89-51 substituted “subsistence allowance” and “Subsistence allowance” for “retainer pay” and “Retainer pay”, respectively.

Subsec. (b). Pub. L. 89-51 substituted “subsistence allowance” for “retainer pay”.

1964—Pub. L. 88-647 substituted provisions which grant a trainee under section 2104 of title 10, retainer pay of from \$40 to \$50 monthly for his instruction period under said section 2104, limited to not more than

20 months, provide that such assistance does not fall within section 456(d)(1) of title 50 App., grant cadets or midshipmen under section 2107 of title 10 retainer pay, limited to not more than 4 years, authorize pay for trainees attending field training or practice cruises under section 2109 of title 10 at the rate prescribed for cadets and midshipmen at the military academies under section 201(c) of this title, and pay for applicants attending field training or practice cruises to satisfy section 2104(b)(6)(B) of title 10, as in section 203 of this title for enlisted men grade E-1, for provisions entitling midshipmen appointed under section 6904 of title 10 to \$50 a month for his instruction period up to 4 academic years, seamen recruits under section 6905 of title 10 to \$50 monthly for his instruction period under said section 6905, and midshipmen in flight training or on flight duty under section 6906 of title 10 to pay as for midshipmen at the Naval Academy plus an amount equal to 50 percent of his pay for flight duty.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by section 1 [[div. A], title VI, §612(b)] of Pub. L. 106-398 effective Oct. 1, 2001, see section 1 [[div. A], title VI, §612(d)] of Pub. L. 106-398, set out as a note under section 203 of this title.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-65, div. A, title V, §546(b), Oct. 5, 1999, 113 Stat. 608, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1999.”

EFFECTIVE DATE OF 1994 AMENDMENT

Section 603(b) of Pub. L. 103-337 provided that:

“(1) Except as provided in paragraph (2), the amendments made by subsection (a) [amending this section] shall apply with respect to months beginning after August 31, 1995.

“(2) Upon the approval of the Secretary of Defense, the Secretary of a military department may implement such amendments at an earlier date with respect to members of the Senior Reserve Officers’ Training Corps under the jurisdiction of the Secretary if funds are available for the monthly subsistence allowances authorized by such amendments.”

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-456 applicable with respect to training performed after Sept. 30, 1988, see section 633(e) of Pub. L. 100-456, set out as a note under section 2109 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1971 AMENDMENT

Section 2 of Pub. L. 92-171 provided that: “The amendments made by this Act [amending this section] shall become effective on July 1, 1971.”

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-51 effective Oct. 13, 1964, see section 4 of Pub. L. 89-51, set out as a note under section 2109 of Title 10, Armed Forces.

SUBSISTENCE ALLOWANCES FOR MEMBERS OF THE MARINE CORPS OFFICER CANDIDATE PROGRAMS

Pub. L. 92-172, Nov. 24, 1971, 85 Stat. 491, as amended by Pub. L. 94-361, title VI, §604, July 14, 1976, 90 Stat. 929; Pub. L. 95-79, title VIII, §806, July 30, 1977, 91 Stat. 334; Pub. L. 95-485, title VIII, §803, Oct. 20, 1978, 92 Stat. 1620, which provided that until Sept. 30, 1980, except when on active duty, a member enrolled in a Marine Corps officer candidate program which required a baccalaureate degree as a prerequisite to being commis-

sioned as a regular or reserve officer, and who was not enrolled in a program or an academy established under chapter 103, 403, 603, or 903 of Title 10, Armed Forces, could be paid a subsistence allowance at the same rate as that prescribed by subsec. (a) of this section, was repealed by Pub. L. 96-342, title VIII, §811(b), Sept. 8, 1980, 94 Stat. 1098. See subsec. (d) of this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 1478; title 14 section 705.

§ 210. Pay of senior enlisted members during terminal leave and while hospitalized

(a) A noncommissioned officer of an armed force who, immediately following the completion of service as the senior enlisted member of that armed force, is placed on terminal leave pending retirement shall be entitled, for not more than 60 days while in such status, to the rate of basic pay authorized for the senior enlisted member of that armed force.

(b) A noncommissioned officer of an armed force who is hospitalized and who, during or immediately before such hospitalization, completed service as the senior enlisted member of that armed force, shall continue to be entitled, for not more than 180 days while so hospitalized, to the rate of basic pay authorized for the senior enlisted member of that armed force.

(c) In this section, the term “senior enlisted member” means the following:

- (1) The Sergeant Major of the Army.
- (2) The Master Chief Petty Officer of the Navy.
- (3) The Chief Master Sergeant of the Air Force.
- (4) The Sergeant Major of the Marine Corps.
- (5) The Master Chief Petty Officer of the Coast Guard.

(Added Pub. L. 102-190, div. A, title VI, §606(a), Dec. 5, 1991, 105 Stat. 1374; amended Pub. L. 104-201, div. A, title VI, §603(a), (b)(1), Sept. 23, 1996, 110 Stat. 2540.)

AMENDMENTS

1996—Pub. L. 104-201, §603(b)(1), substituted “Pay of senior enlisted members during terminal leave and while hospitalized” for “Pay of the senior noncommissioned officer of an armed force during terminal leave” in section catchline.

Subsecs. (b), (c). Pub. L. 104-201, §603(a), added subsec. (b) and redesignated former subsec. (b) as (c).

§ 211. Participation in Thrift Savings Plan

(a) DEFINITION.—In this section, the term “member” means—

- (1) a member of the uniformed services serving on active duty; and
- (2) a member of the Ready Reserve in any pay status.

(b) AUTHORITY.—Any member may participate in the Thrift Savings Plan in accordance with section 8440e of title 5.

(c) RULE OF CONSTRUCTION REGARDING SEPARATION.—For purposes of subchapters III and VII of chapter 84 of title 5, each of the following actions shall, in the case of a member participating in the Thrift Savings Plan in accordance with section 8440e of such title, be considered a separation from Government employment: